

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

---

SIERRA CLUB,

Plaintiff,

v.

CITY OF MENASHA

and

MENASHA UTILITIES,

Defendants.

---

Case No: 1:09 cv 122-WCG

**JOINT MOTION TO LODGE CONSENT DECREE**

---

COME NOW the Plaintiff and the Defendants by their respective attorneys and jointly move the Court for an Order permitting the parties to lodge the attached Consent Decree (Exhibit 1) for the required statutory waiting period as set forth in 42 U.S.C. § 7604(c)(3). The parties further move the Court to delay signing and entering the attached Consent Decree until moved to do so by the parties following the required statutory waiting period and consideration of comments, if any, by the United States Government and other interested parties. Upon expiration of the statutory waiting period, the parties will move the Court for execution and filing of the Consent Decree. Also attached to this Motion (Exhibit 2) is the signed Stipulation by the parties and the State of Wisconsin to allow the State of Wisconsin to submit to the jurisdiction of this Court for the limited purpose of joining and becoming bound by the Consent Decree.

Dated this 16th day of December, 2010.

**MCGILLIVRAY, WESTERBERG & BENDER LLP**

By: s/ David C. Bender  
David C. Bender (#1046102)  
305 South Patterson Street  
Madison, WI 53703-3552  
608-310-3556  
Attorneys for Plaintiff

Dated this 16th day of December, 2010.

**DEWITT ROSS & STEVENS s.c.**

By: s/Harry E. Van Camp  
Harry E. Van Camp (#1018568)  
Two East Mifflin Street, Suite 600  
Madison, WI 53703-2865  
608-255-8891  
Attorneys for Defendants